

Stephen P. Connor, WSBA No. 14305
Anne-Marie E. Sargent, WSBA No. 27160
CONNOR & SARGENT PLLC
999 Third Avenue, Suite 3000
Seattle WA 98104
(206) 654-5050

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARVIN MANN, on his own behalf and on
behalf of a CLASS OF SIMILARLY
SITUATED EMPLOYEES OF
DEFENDANT,

Plaintiffs,

v.

THE BOEING COMPANY, a Delaware
corporation,

Defendant.

CLASS ACTION

No.

COMPLAINT FOR WAGES

JURY OF TWELVE (12) DEMANDED

Plaintiff Marvin Mann, on his own behalf and on behalf, as representative, of a class of similarly situated employees of Defendant Boeing Company, alleges the following Complaint for violation of Washington's Minimum Wage Act, RCW 49.46, and Washington's Rebate Act, RCW 49.52.

I. INTRODUCTION

1. Plaintiff, an employee of Defendant, brings this Complaint on his own behalf and on behalf of all those similarly situated, challenging Defendant's practice of failing to pay overtime to the First Line Leaders (FLLs) in Manufacturing and Production. Plaintiff alleges

1 that Defendant's failure to pay overtime to the FLLs violates Washington's Minimum Wage
2 Act, RCW 49.46.130(1), and Washington's Wage Rebate Act, RCW 49.52.050.

3 2. Upon information and belief, Defendant has employed hundreds of FLLs in
4 Manufacturing and Production in Washington State in the three years preceding the filing of
5 this Complaint.

6 3. Accordingly, Plaintiff seeks relief on a class-wide basis, including unpaid
7 wages, return of wages unlawfully rebated, liquidated damages, attorneys' fees and costs.
8 Plaintiff and the Class also seek to enjoin Defendant from continuing violations.

9 **II. PARTIES**

10 4. Plaintiff Marvin Mann ("Mann") resides in Everett, Washington and is a
11 current employee of Defendant.

12 5. Defendant The Boeing Company ("Boeing") is a Delaware corporation and
13 manufacturer of airplanes.

14 **III. JURISDICTION AND VENUE**

15 6. Venue for this action properly lies in with this court because Defendant does
16 business in this judicial district.

17 7. This Court has jurisdiction over Plaintiff's state law claims under the
18 Washington Minimum Wage Act, RCW 49.46 and Washington's Wage Rebate Act, RCW
19 49.52 pursuant to 28 USC Section 1331.

20 **IV. FACTS**

21 8. Boeing is a manufacturer of airplanes, among other things. Plaintiff has been
22 employed with Boeing for nineteen years. For fifteen years he worked as an hourly, unionized
23 employee. For the last four years of his employment, Plaintiff has been a First Line Leader
24 (FLL), or Level 1 Manager, in Manufacturing and Production. Shortly before filing this
25 Complaint, Plaintiff returned to an hourly, union position due to fear of retaliation.

1 9. Plaintiff's duties as an FLL included conferring with the prior shift's manager
2 upon arrival to determine the status of the project; assigning his subordinates to tasks for the
3 shift; reassigning as necessary for absent workers or delays in the project; leading the shift
4 meeting, following a list of directives from Defendant; following the schedule as set out by
5 the Defendant's industrial engineers; auditing equipment and parts for compliance; and
6 overseeing the work of the employees on his shift.

7 10. Plaintiff has no authority to hire and fire employees. Plaintiff has authority
8 only to document policy violations and provide them to the Human Resources. Plaintiff is
9 responsible for implementing any discipline as dictated by Human Resources.

10 11. Plaintiff has no input into managing the enterprise or a department of the
11 enterprise.

12 12. Plaintiff has no opportunity or authority to exercise his discretion or
13 independent judgment.

14 13. Upon information and belief, the duties and restrictions identified in
15 Paragraphs 9 through 12 apply to all FLLs in Manufacturing and Production of Boeing's 777
16 airplanes pursuant to its policies and procedures.

17 14. Plaintiff regularly works ten to twenty hours of overtime per week.

18 15. The class of similarly situated FLLs in the 777 Manufacturing and Production
19 regularly work overtime hours.

20 16. Defendant is aware, by complaints from Plaintiff and other class members to
21 their superiors and to Defendant's Human Resources Department, that FLLs in Manufacturing
22 are working these overtime hours.

23 17. Defendant does not pay FLLs for their overtime hours, or permit FLLs to
24 "flex" their overtime hours.
25

32. Plaintiff and the Class Members have been damaged by Defendant's violations of Washington's Minimum Wage Act in amounts to be determined at trial.

B. Violations of Washington's Wage Rebate Act, RCW 49.52.

33. Defendant's aforementioned failure to pay Plaintiff and similarly situated employees overtime rates for their overtime hours is a rebate of wages in violation of Washington's Wage Rebate Act, RCW 49.52 *et seq.*

34. Plaintiff and the Class Members have been damaged by Defendant's violations of Washington's Wage Rebate Act in amounts to be determined at trial.

C. Violations of Record keeping Requirements, WAC 296-126-050.

35. Defendant failed to maintain accurate records of the hours worked by Plaintiff and the putative class in violation of WAC 296-126-050.

36. Plaintiff and the putative class have been damaged by Defendant's violations of WAC 296-126-050 in amounts to be determined at trial.

VII. PRAYER FOR RELIEF

WHEREFORE Plaintiff and the Class of similarly situated employees of Defendant request the following relief:

- A. An order certifying a class action of all First Line Leaders in Manufacturing and Production who worked for Defendant in Washington State from three years preceding the filing of this complaint through the present;
- B. An order appointing Plaintiff as the representative of the Class;
- C. An order appointing Stephen P. Connor and Anne-Marie E. Sargent of Connor & Sargent PLLC, as the counsel for the Class;
- D. Judgment against Defendant The Boeing Company for wages due to Plaintiff and the class of all similarly situated employees in an amount to be determined at trial;

- 1 E. Judgment against Defendant for exemplary damages for unlawfully and
2 willfully withholding wages pursuant to RCW 49.52.070;
- 3 F. An order permanently enjoining Defendant from continuing its practice of
4 the aforementioned wage and hour law violations;
- 5 G. An award of reasonable attorneys' fees and costs pursuant RCW 49.46.090,
6 RCW 49.48.030, RCW 49.52.070;
- 7 H. Judgment against Defendant for failing to maintain accurate hours of
8 Plaintiff and the Class's hours worked;
- 9 I. Pre-judgment interest on all back wages and damages awarded to Plaintiff
10 and the Class;
- 11 J. Damages in the amount of any adverse tax consequences of any award;
- 12 K. Allowing Plaintiff to amend its pleadings to conform to the proof at trial;
13 and
- 14 L. For such other relief in law or equity, which the Court finds appropriate,
15 just or equitable.

16 DATED this 21st day of September, 2015.

17 CONNOR & SARGENT PLLC

18 By s/Ane-Marie E. Sargent
19 Stephen P. Connor, WSBA No. 14305
20 Anne-Marie E. Sargent, WSBA No. 27160
21 Attorneys for Plaintiff and the Putative Class
22 999 Third Avenue, Suite 3000
23 Seattle, WA 98104
24 Email: aes@cslawfirm.net
25 Telephone: (206) 654-4011